

REMARKS

Claims 77-86 were examined in the Office Action under reply. Claim 86 was objected to as being dependent on a rejected base claim. Claims 77-85 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 1, 2 and 22-24 of U.S. Patent No. 5,534,254 in view of International Publication No. WO 88/09344 to Huston et al. ("Huston"). Applicants respectfully traverse this rejection.

In particular, the Office appears to base this rejection on its interpretation of the language "consisting essentially of" in the previous claims. The Office has construed this terminology as equivalent to the term "comprising." Solely in an effort to advance prosecution, applicants have amended claim 77 to recite that the monomeric sFv molecule consists of the recited first and second polypeptide domains.

This amendment is believed to overcome the obviousness-type double patenting rejection. As previously explained to the Office, all of the claims of the '254 patent relate to compositions comprising *dimeric* biosynthetic constructs. All of the pending claims in the present application, on the other hand, relate to *monomeric* sFv molecules, and exclude the possibility of dimeric constructs due to the closed-ended language "consisting" of. Monomeric constructs indeed patentably distinguish from the dimeric molecules claimed in the '254 patent. Accordingly, this basis for rejection has been overcome and withdrawal thereof is respectfully requested. Thus, all claims are now in condition for allowance.

CONCLUSION

Applicants respectfully submit that the claims define a patentable invention.
Accordingly, a Notice of Allowance is believed in order and is respectfully requested.

Please direct all further communications in this application to:

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Respectfully submitted,

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